1941. K File No. B. Munis. City. Corporation / Extension of terms 41

Legal DEPARTMENT

B BRANCH

Subject:—

Governors' Bill No. I of 1941

A Bill to provide for the term of office of the Members of the Bombay Municipal Corporation.

Bom. Act. No. I of 1941

P 15

File No. B. Munis city. Corporation. [Extension of terms.]/41

Std. Sectt. Slip 24 B a.

501-B

C O N T E N T S.

Legal Department File No. B. Munis. City corpn.(E.of I) 1941.

Sr. No.	Compilation No.	Subject	Pages
1.	U.O. to G.D.No. 10201 dt.20th Nov. 1941.	Forwarding draft bill	1-2
2.	G.L.L.D.No.317 dt. 11th Jan. 1941	Assent to the bill etc.	3-10
3.	G.R.L.D.No.457 dt. 17th Jan 1941.	Publication of the Act,	11-18

S.A.K.
26-4

Office of the R.L.A.

A draft Bill on the lines of Bombay Act No. III of 1938 is appended. It is not necessary to include a provision on the lines of the provisions of sub-section (2) of section 2 of the Bombay Act No. III of 1938, in view of the amendments made in sections 39, 45 and 49-E of the city of Bombay Municipal Act by Bombay Act No. XIII of 1938.

2. Under executive instructions, the Bill requires the previous approval of the Governor General before enactment. It does not relate to any entry in the concurrent legislative list and it is not, therefore, necessary to reserve it for consideration of the Governor General with reference to section 107(2) of the Gov-ernment of India Act.

C.C. Sd/-
20-11

Remembrancer of Legal Affairs.

U.R. to G.D., No. 10201, dated the 20th November 1040.

S.A.K.
26-4

282/8/1/41.

Submitted with reference to G.D. note dated 7 th January 1941 at p. 92 ante.

2. With R.L.A's opinion No. 10201 dated 20th November 1940, the G.D. was furnished a draft Bill on the lines of Bombay Act III of 1938 to extend the term of office of the members of the Bombay Municipal Corporation till 1st April 1943. In para. 2 of the said opinion it was pointed out to the G.D. that under executive instructions the Bill requires the previous approval of the Governor General before enactment. It will appear from the Secretary to the Governor's Memo. dated 27th December 1940 at p. 87 ante that his Excellency the Governor General's previous approval has been obtained to the enactment of the proposed Bill by His Excellency the Governor under para. (2) of the Proclamation dated 4th November 1939 issued by him ~~under para. (2) of the proclamation dated~~ under section 93 of the Government of India Act, 1935.

3. The G.D. has forwarded the papers to this department for necessary further action. The Bill may now be forwarded to the Secretary to the Governor for obtaining the assent of His Excellency the Governor. As stated in para. 2 of the R.L.A's opinion quoted above the Bill does not relate to any entry in the ~~Concurrent Legislative List~~ in the Seventh Schedule to the Government of India Act, 1935 and it is not, therefore, necessary to reserve the Bill for the consideration of the Governor General with

S.A.K.
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reference to section 107(2). The
subject matter of the Bill falls under
entry No. 13 in List II in the Seventh
Schedule to the Government of India Act, 1935.

4. Requisite draft letter is put up for approval and signature

Sd/-
10-1

S.S.
Sd/-

Sd/-
10-1

D.S. Sd/-
10-1

P.M.M. 10-1

S.A.K.
26-4

Very Urgent. No. 217

Legal Department,

Bombay Castle, 11th January 1941.

From

P.N.Moos, Esquire, I.C.S.,

Secretary to the Government of Bombay.

To

The Secretary to the Governor of Bombay.

Subject:- A Bill to provide for the extension of the term of office of the members of the Bombay Municipal Corporation.

Sir,

With reference to your Memorandum No. 201(24), dated the 27th December 1940, addressed to the General Department, on the above subject. am directed to forward herewith for the assent of his Excellency the Governor, a copy of the Bill to provide for the extension of the term of office of the members of the Bombay Municipal Corporation, prepared by His Excellency the Governor under paragraph (2) of the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935.

2. None of the provisions of the Bill affects any special responsibility of the Governor under section 52(1) of the Government of India Act, 1935 or falls within the purview of clause (a),(b),(c) or (d) of paragraph XVII of the Instrument of Instructions to the Governor of Bombay.

3. The subject matter of the Bill falls underentry No. 13 in the Provincial Legislative List in the Seventh Schedule to the Governmentof India Act, 1935. None of the provisionsof the Bill is repugnant to the provisions of any earlier Federal law or existing Indian law with respect to any matter enumerated in the Concurrent Legislative List. It isnot, therefore, necessary to reserve the Bill for consideration of the Governor General with reference to paragraph (2) of the Proclamation and section 107(2) of the Government of India Act, 1935.

4. The date on which His Excellency the Governor s assent is

S.A.K.
26-4

given may kindly be entered in the endorsement.

5. I am also to forward herewith one spare copy of the Bill.

I have the honour to be,
Sir,

Your most obedient servant,

O.C. P.N.M.

Secretary to the Government of Bombay,

Legal Department.

Through

The Secretary to the Government of Bombay
General Department.

S.A.K.
26-4

No. 201(24)

Office of the Governor s Secretary,
Government House,
Bombay , 16th January 1941.

From

J.B.Irwin, Esquire, D3O.MC.ICS.

Secretary to the Governor of Bombay.

To

The Secretary to Government,

Legal Department , Bombay.

Subject:- A Bill to provide for the extension of the term of office of the members of the Bombay Municipal Corporation.

Sir,

With reference to your letter No. 217, dated the 11th January 1941, forwarding a copy of a Bill to provide for the extension of the term of office of the members of the Bombay Municipal Corporation, prepared by His Excellency the Governor under paragraph (2) of the proclamation dated 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, I am directed to state that under the provisions of the aforesaid paragraph, His Excellency the Governor is pleased to declare that he assents to the Bill in the name of His Majesty.

2. The copy of the Bill is returned herewith with His Excellency the Governor s assent signified thereon.

I have the honour to be,

Sir,

Your most obedient servant,

Sd/-

Secretary to the Governor of Bombay.

Sd/-
31-10-

S.A.K.
26-1

Acts.

Publication of the City of Bombay Municipal Corporation (Extension of term) Act, 1941.

GOVERNMENT OF BOMBAY.
Legal Department
Resolution No. 457.
Bombay Castle, 17th January 1941.

Letter to the Secretary to the Governor No. 217 , dated the 11th January ~~1951.~~ 1941.

Letter from the Secretary to the Governor No. 201(24), dated the 15th January 1941. :-

"With reference to your letter No. 217, dated the 11th January 1941, forwarding a copy of a Bill to provide for the extensionof the term of office of the members of the Bombay Municipal Corporation, prepared by His Excellency the Governor under paragraph (2) of the Proclamation dated 4th November 1939, issued by him under section 93 of the Governmentof India Act, 1935, I am directed to state that under the provisions of the aforesaid paragraph , His Excellency the Governor is pleased to declare that he assents to the Bill in the name of His Majesty.

2. The copy of the Bill is returned ~~herewith~~ herewith with His Excellency the Governor s assent signified thereon."

RESOLUTION. - The law should be punlished as Bombay Act No. I of 1941, in the Bombay Government Gazette, dated the 18th January 1941.

2. The Act should be translated into Marathi, Gujarati and Hindustani (~~in~~ in Urdu and Devnagari scripts) and the translations should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the General Department with reference to the Memorandum from that Department ~~dated~~ dated the 8th January 1941.

By order of the Governor of Bombay,

Sd/-
(P.N.Moos,
for (Secretary to Government.

To

The Manager, Government Central Press, Bombay (with a copy of the Act and with arequest that 15 gazette copies of the Act may be forwarded to the Legal Department)
The Department
*The Oriental Translator to Government) With a copy
The Secretary to the Bombay Legislative) of the Act.
Assembly.)
)
*With five extra copies.)
)

S.A.K.
26-4